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47 USC Sec. 1021

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-EXPCITE-

TITLE 47 - TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS
CHAPTER 9 - INTERCEPTION OF DIGITAL AND OTHER COMMUNICATIONS
SUBCHAPTER II - TELECOMMUNICATIONS CARRIER COMPLIANCE PAYMENTS

-HEAD-

Sec. 1021. Department of Justice Telecommunications Carrier
Compliance Fund

-STATUTE-

(a) Establishment of Fund

There is hereby established in the United States Treasury a fund to be known as the Department of Justice Telecommunications Carrier Compliance Fund (hereafter referred to as "the Fund"), which shall be available without fiscal year limitation to the Attorney General for making payments to telecommunications carriers, equipment manufacturers, and providers of telecommunications support services pursuant to section 1008 of this title.

(b) Deposits to Fund

Notwithstanding any other provision of law, any agency of the United States with law enforcement or intelligence responsibilities may deposit as offsetting collections to the Fund any unobligated balances that are available until expended, upon compliance with any Congressional notification requirements for reprogrammings of funds applicable to the appropriation from which the deposit is to be made.

(c) Termination

(1) The Attorney General may terminate the Fund at such time as the Attorney General determines that the Fund is no longer necessary.

(2) Any balance in the Fund at the time of its termination shall be deposited in the General Fund of the Treasury.

(3) A decision of the Attorney General to terminate the Fund shall not be subject to judicial review.

(d) Availability of funds for expenditure

Funds shall not be available for obligation unless an implementation plan as set forth in subsection (e) of this section is submitted to each member of the Committees on the Judiciary and Appropriations of both the House of Representatives and the Senate and the Congress does not by law block or prevent the obligation of such funds. Such funds shall be treated as a reprogramming of

funds under section 605 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997, and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section and this section.

(e) Implementation plan

The implementation plan shall include:

- (1) the law enforcement assistance capability requirements and an explanation of law enforcement's recommended interface;
- (2) the proposed actual and maximum capacity requirements for the number of simultaneous law enforcement communications intercepts, pen registers, and trap and trace devices that authorized law enforcement agencies may seek to conduct, set forth on a county-by-county basis for wireline services and on a market service area basis for wireless services, and the historical baseline of electronic surveillance activity upon which such capacity requirements are based;
- (3) a prioritized list of carrier equipment, facilities, and services deployed on or before January 1, 1995, to be modified by carriers at the request of law enforcement based on its investigative needs;
- (4) a projected reimbursement plan that estimates the cost for the coming fiscal year and for each fiscal year thereafter, based on the prioritization of law enforcement needs as outlined in (3), (FOOTNOTE 1) of modification by carriers of equipment, facilities and services, installed on or before January 1, 1995.

(FOOTNOTE 1) So in original. Probably should be "paragraph (3),".

(f) Annual report to Congress

The Attorney General shall submit to the Congress each year a report specifically detailing all deposits and expenditures made pursuant to subchapter I (FOOTNOTE 2) of this chapter in each fiscal year. This report shall be submitted to each member of the Committees on the Judiciary and Appropriations of both the House of Representatives and the Senate, and to the Speaker and minority leader of the House of Representatives and to the majority and minority leaders of the Senate, no later than 60 days after the end of each fiscal year.

(FOOTNOTE 2) See References in Text note below.

-SOURCE-

(Pub. L. 103-414, title IV, Sec. 401, as added Pub. L. 104-208, div. A, title I, Sec. 101(a) (title I, Sec. 110), Sept. 30, 1996, 110 Stat. 3009, 3009-19.)

-REFTEXT-

REFERENCES IN TEXT

Section 605 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997, referred to in subsec. (d), probably means section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997, Pub. L. 104-208, div. A, title I, Sec. 101(a) (title VI), Sept. 30, 1996, 110 Stat. 3009, 3009-64, which is not classified to the Code.

Subchapter I of this chapter, referred to in subsec. (f), was in the original "this Act" and was translated as reading "title I of this Act", meaning title I of Pub. L. 103-414, Oct. 25, 1994, 108 Stat. 4279, which is classified to subchapter I of this chapter, to reflect the probable intent of Congress.